

FILED

2009 SEP -2 PM 12:33

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

ST. CLERK
FOR THE COURT

TIM WRIGHT
(Plaintiff)
vs.
UNITED STATES Steel Corp.
U.S. Steel (Defendant).

12 09 CV. 266

EMPLOYMENT DISCRIMINATION COMPLAINT

Plaintiff brings a complaint against defendant United States Steel / U.S. Steel for discrimination as set forth below.

Plaintiff ☒ DOES ☐ DOES NOT (indicate which) demand a jury trial.

I. PARTIES

Plaintiff's Name: TIM WRIGHT

Plaintiff's Address: 3407 Kenwood St.
Hammond, IN 46323

Plaintiff's Telephone: 669-7897

Defendant's Name: UNITED STATES Steel Corp c/o Jenna Rager

Defendant's Address: ONE N. BROADWAY
GARY, IN 46402

II. BASIS OF CLAIM AND JURISDICTION

1. This complaint is brought pursuant to:

☒ Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e-5), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

_____ The Age Discrimination in Employment Act (29 U.S.C. §621), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

X_____ The Americans with Disabilities Act (42 U.S.C. §12101), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

_____ The Rehabilitation Act (29 U.S.C. §701, *et seq.*), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

_____ Equal rights under law (42 U.S.C. §1981), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

_____ Other (list): _____

2. Plaintiff X DID _____ DID NOT (indicate which) file a charge of discrimination with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission. [If the plaintiff did file a charge of discrimination, Plaintiff should attach a copy of the charge to the complaint].

3. Plaintiff's Right to Sue Notice from the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission was RECEIVED on or about MAY 30, 2009 (insert date the plaintiff received the notice -- in most instances this will not be the same date stamped on the notice). [Plaintiff should attach a copy of the Notice of Right to Sue to this complaint.]

III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because (if more space is needed, attach additional pages):

See a Hatched
DISABILITY DISCRIMINATION
PERCEIVED DISABILITY "
FAILURE TO ACCOMODATE

IV. FACTS IN SUPPORT OF COMPLAINT

The facts on which this complaint is based are the following (if you need additional space, please attach additional pages)

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(Facts, continued)

V. PRAYER FOR RELIEF

Based on the foregoing, plaintiff seeks the following relief:

see attached

VI. AFFIRMATION OF PLAINTIFF

I, TIM WRIGHT, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in the complaint and those which are attached in the accompanying financial statement. I believe them to be, to the best of my personal knowledge, true and correct.

Further, I do understand that this complaint and this affidavit will become an official part of the United States District Court files and that ANY FALSE STATEMENTS knowingly made by me are illegal and may subject me to criminal penalties.

Tim Wright
(Signature of Plaintiff)

8/29/09
(Date)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

TIM WRIGHT,)	
)	
Plaintiff)	
)	
vs.)	CASE NO.
)	
UNITED STATES STEEL CORP.)	
)	
Defendants)	

III. Legal Claim

1. Tim Wright was employed by Defendant until his suspension.
- 2.. Plaintiff TIM WRIGHT is a qualified person with a disability, depression, and was perceived by Defendant as having a disability. Defendants, through their officers and managers, have been aware of Plaintiff's disability for a considerable amount of time and have perceived Plaintiff to be disabled.
3. Plaintiff TIM WRIGHT was able to perform all of the duties of his position with or without accomodation.
- 4.. However, Defendants unlawfully discriminated against the plaintiff on the basis of perceived disability by subjecting him to a psychological evaluation.
5. Defendant further had this "evaluation" performed by a psychiatrist not licensed to practice in the state of Indiana.
6. As a result of said fraudulent evaluation, it was determined that Plaintiff was not able to perform his duties or duties other than mundane tasks.
7. As a result of this perceived disability, Plaintiff has been deemed unable to work for

Defendant.

8. Defendant has thus determined Plaintiff be disabled so severely that he cannot perform duties without reasonable accomodation.

9. However, Plaintiff currently performs the same or similar duties for another company.

10. Further, although Plaintiff has a history of depression, but is able to work with or without reasonable accomadtion, including job reassignment, which would have posed no undue burden upon the employer.

11. Though Plaintiff has depression, and Defendant has deemed Plaintiff to be disabled but has offered no reasonable accomodation such as job reassignment or adjustment of duties, although the same is available and Plaintiff expressed interest in the same.

12. As a result of the foregoing actions, plaintiff has been damaged, has been unable to find comparable employment with comparable income and benefits and has thus, sustained a loss of income and loss of benefits, has sustained emotional distress and will sustain a future loss of income and future loss of benefits.

WHEREFORE, Plaintiff TIM WRIGHT prays for judgment in hisfavor and against the Defendant, and prays this court award back pay and benefits, front pay and front benefits, compensatory and punitive damages to the extent allowable by law, attorney's fees, expert fees and court costs.

EEOC Form 161 (2/08)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Timmy Wright
3407 Kenwood St
Hammond, IN 46323

From: Indianapolis District Office
101 West Ohio St
Suite 1900
Indianapolis, IN 46204

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

470-2008-03562

Philip E. Moore,
Enforcement Supervisor

(317) 226-7273

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

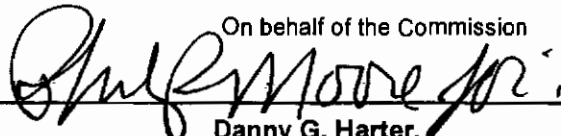
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Danny G. Harter,
Director

MAY 29 2009

Enclosures(s)

(Date Mailed)

cc:

Jenna L. Rager
Staff Supervisor, Labor Relation
UNITED STATES STEEL CORPORATION
One North Broadway
Gary, IN 46402-3199

Robin Remley, Esq.
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